

1
2
3 IN THE DISTRICT COURT OF THE UNITED STATES
4 EASTERN DISTRICT OF MISSOURI
5 EASTERN DIVISION

6 LISA SCHWEPPE, and)
7 JILLIAN ZURMUEHLEN,)
8)
9 Plaintiffs,)
10)
11 VS.) No. 4:16-cv-00253-JAR
12)
13 CITY OF PINE LAWN, MISSOURI,)
14 and STEVEN BLAKENEY,)
15)
16 Defendants.)

17 DEPOSITION OF LISA SCHWEPPE
18 ON BEHALF OF THE DEFENDANT CITY OF PINE LAWN
19 JULY 20, 21 2017
20
21
22
23
24
25

1 wasn't paying attention to what the bartender was
2 doing.

3 Q Right. Because you were interacting
4 socially with Jillian and Blakeney at the moment?

5 A Correct.

6 Q Okay. Got it. All right. So then she
7 makes the shots, but she doesn't -- it's not one of
8 these things like, you know, in the movie Cocktail
9 or whatever? She's not putting glasses in front of
10 you and making some big fanfare about it? She's
11 doing it behind the bar and turning around and
12 setting them in front of you, right?

13 A Correct.

14 Q And you said you think she set them
15 closer to Blakeney?

16 A I believe so. Yeah, right. I believe so.

17 Q When you said she set them closer to
18 Blakeney, you and Blakeney were sharing a corner of
19 the bar basically, right?

20 A Correct.

21 Q So for her to put them closer to Blakeney
22 would mean a matter of maybe what? How much closer
23 to Blakeney?

24 A I mean a foot or two, or I mean somewhere
25 a foot or two.

1 Q So if -- is where I'm sitting now
2 representative of the distance you were from
3 Blakeney? Because I think you testified that he was
4 sitting closer to the corner, and you were sitting
5 near the corner?

6 A I mean give or take a few inches, yeah.

7 Q Okay. It's not a foot, but maybe a matter
8 of inches?

9 A No. I'm talking about -- I mean if you're
10 thinking about drinks this to this (Indicating) is
11 different. I mean that's a foot (Indicating), so...

12 Q Sure. And you're talking about a foot
13 from me, but what I'm saying is were these drinks
14 out of your reach, is really kind of what I want to
15 know? Did she put the shots --

16 A No. I would say they're out of arm reach
17 because say this is the bar (Indicating), and she's
18 like here (Indicating). Here's Blakeney (Indicating),
19 and then he's like, "Here," but I can still reach it
20 from where you're at.

21 Q Okay. And -- and I want to make sure
22 that I understand what you're -- obviously, we don't
23 have a video going, so it's difficult to do, so I'm
24 going to embark on an effort to word paint here.
25 You're telling me that she puts the shots down.

1 They're probably closer to Blakeney than they are to
2 you, but they're still within your arm reach; is
3 that a fair characterization?

4 A I would say that's fair.

5 Q Okay. And then you made a motion with
6 your hands. It's hard to pick up on the transcript,
7 so I am going to try -- I'm going to try my best to
8 do it, and you can tell me if I'm just out to lunch
9 or not, okay? You then kind of made this gesture
10 with both hands like you were grabbing the glasses
11 and moving them, you know, 6 inches to -- from in
12 front of me to in front of you or vice versa, right?
13 I get the sense from that you're saying the next
14 thing that happened was Blakeney -- the bartender
15 puts the three shots in front of Blakeney.
16 Blakeney immediately grabs those three shots, maybe
17 with two hands, maybe with one, I'm not really sure;
18 I don't really exactly remember how you did it, but
19 either way, Blakeney grabs these shots and kind of
20 moves them from in front of him to move them in
21 front of you and say, "Here you go, gals. Have a
22 drink"?

23 MR. STRODE: I want to object only to the
24 extent to the word "immediately." I don't think she
25 said that.

1 Q (BY MR. HILL) Okay. You can tell me
2 what the timing is.

3 A Okay. It wasn't like as soon as the
4 bartender like put the -- the shots down we
5 immediately were taking the shots. Like I think
6 there was --

7 Q Yeah.

8 A -- you know -- 30 seconds to -- you know--
9 I would say more like between 30 seconds to 45
10 seconds of like just whatever; getting our -- our
11 drinks in order and like just getting things
12 situated before we took the shot. I don't remember
13 watching the shot get laid down and then Blakeney
14 immediately giving us those and taking it immediately.

15 Q Okay. Okay. And like I said, I'm trying
16 to -- I'm trying to put into words what gestures it
17 looks like you were making, so you can tell me all
18 about the timing. So let's -- let's kind of walk
19 through that again and see if maybe we can be more
20 accurate with it.

21 A Okay.

22 Q So the bartender puts the shots nearer to
23 Blakeney than to you, but still within your arm
24 reach, correct?

25 A Correct.